ECCLESIA LAW

Private Ecclesiastical Counsel
United States & International

STATUTORY TRUSTS

VS.

ASSET FORTRESS & ENVOY PROTOCOLS

1. Executive Summary

This technical comparison contrasts two distinct estate planning paradigms: the **Statutory Model** used by regulated firms, and the **Private International Model** (Asset Fortress and Envoy Protocols) advocated by Republic of Old Souls (ROS).

- **Statutory Trusts:** Rely on **domestic legislation** (Trustee Act 1925, Inheritance Tax Act 1984) to manage assets *within* the jurisdiction of the state. They are transparent to the Crown, subject to probate/tax rules, and function as "safe harbours" permitted by the state.
- **Asset Fortress & Envoy Protocols:** Rely on **jurisdictional severance** and **international private law** to move assets *outside* the reach of the domestic state. They function by correcting the status of the individual (Envoy) and using foreign grantor trusts (AFP) to operate in a tax-exempt, non-probate jurisdiction.

The Statutory Model is "compliance-based" (safe but taxed/regulated). The ROS Model is "sovereignty-based" (autonomous but requires strict adherence to status correction to avoid "sham trust" attacks).

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2. The Statutory Model (Solicitor/Lawyer/ Traditional Probate)

What It Is

This is the standard estate planning route offered by SRA-regulated solicitors and estate planning companies. It utilizes:

- **Last Will and Testament:** A public document instructing the distribution of the estate after death.
- **Property Trusts (Protective Property Trusts):** Wills that sever tenancy to protect a half-share of a home from care fees (if one spouse survives).
- **Living Trusts (Inter Vivos):** Domestic trusts used to bypass probate for specific assets.
- **Lasting Power of Attorney (LPA):** Granting authority to agents to act if you lose capacity.

How It Works

1. **Grant of Probate:** Upon death, the "Executor" must apply to the Court for a Grant of Probate to gain authority to deal with the assets.
2. **Taxation:** The estate is assessed for **Inheritance Tax (IHT)** (currently 40% above the £325k/£500k thresholds).
3. **Care Fees:** Assets in a simple Will are fully assessable for care costs. Protective Property Trusts can shield *part* of the home value but are subject to "Deliberate Deprivation of Assets" rules if done too late.
4. **Jurisdiction:** The entire estate remains **domiciled in the UK** and is fully subject to the laws of England & Wales.

Why It Works (and Why It Doesn't)

- **Works For:** Compliance, recognition by high street banks, and handling simple family transfers. It is the "path of least resistance."
- **Does Not Work For:** Total asset protection or tax immunity. The Crown ultimately controls the "legal estate." Probate can take months/years, costs are high, and IHT can erode wealth.

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3. The Ecclesia Model (Asset Fortress & Envoy Protocols)

What It Is

A **Status + Structure** system designed to remove the estate from domestic jurisdiction entirely *before* death.

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- **Envoy Protocol:** Status correction that severs the agency with the "Crown/State Person" and establishes the living man as an **Ecclesiastical Envoy** (Diplomat).
- **Asset Fortress Protocol (AFP):** A **Private International (Foreign) Grantor Trust** that holds all assets. It acts as a "Treasury" rather than a simple trust.

How It Works

1. **No Probate:** The AFP is a living entity that never dies. When the Envoy passes, the **Office of General Executor** simply transfers to the Successor. There is no "death" of the asset holder, so **Probate is impossible** and unnecessary.
2. **No Inheritance Tax:** Because the assets are held in a **Foreign Grantor Trust** (non-domiciled status via the Envoy), and the Envoy owns *nothing* personally (no beneficial interest in the statutory sense), there is no "estate" to tax upon death.
3. **Care Fee Immunity:** Assets held in the AFP are not owned by the individual. They cannot be assessed for care fees because the "Person" entering care has no assets—the Ministry/Trust does.
4. **Jurisdiction:** The estate is moved to **International/Ecclesiastical Jurisdiction**, placing it outside the reach of UK statutory courts and the "Deliberate Deprivation" rules (provided the structure was set up correctly before care was needed).

Why It Works (and Risks)

- **Works For:** Complete asset protection, generational wealth transfer without tax/probate, and avoiding state interference.
- **Why It Doesn't Work (If Done Poorly):** If the user fails to execute the **Envoy Protocol** (status correction), the AFP is viewed as a "Sham Trust" or "Alter Ego" by UK courts. A "U.S./UK Resident" cannot simply use a foreign trust to hide assets; they must change their *status* to match the structure.

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4. Technical Comparison Table

Feature	Statutory Trust	Asset Fortress & Envoy Protocols
Jurisdiction	**Domestic** (England & Wales)	**International** (Ecclesiastical/Foreign)
Legal Status of Individual	**Subject / Person** (Debtor to State)	**Envoy / General Executor** (Diplomatic)
Probate Required?	**Yes** (Grant of Probate needed)	**No** (Trust continues; no death event)
Inheritance Tax (IHT)	**40%** (above thresholds)	**0%** (No taxable estate / Foreign status)
Care Fee Protection	**Partial** (Protective Property Trust only)	**Total** (Assets not owned by individual)
Time to Access Assets	**Months/Years** (Probate delays)	**Immediate** (Successor takes Office)
Visibility to State	**High** (Registered at Land Registry/HMRC)	**Low** (Private Trust / Ministry held)
Bank Acceptance	**High** (Standard High Street Banks)	**Requires Specialized Banking** (Private/Fintech)
Legal Risk	**Low** (State sanctioned)	**High** (Requires strict adherence to protocol)

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5. Summary Verdict

Solicitor/Lawyer sells **permission-based safety**: You pay the state its taxes and follow its rules in exchange for a predictable (but expensive) outcome.

Ecclesia Law offers **rights-based sovereignty**: You remove yourself from the state's jurisdiction to achieve total protection and zero tax, but this requires the discipline to operate as a foreign/ecclesiastical entity (Envoy) rather than a domestic citizen.

For a client seeking to avoid the 40% "death tax" and the care home "wealth grab," the **Statutory Model** is a bandage; the **Ecclesia Model** is a cure—but only if the client is willing to correct their status first.